



Washington State Senate

Tara Parker

Human Resources Officer

MEMORANDUM

DATE: September 8, 2019

TO: Brad Hendrickson, Secretary of the Senate

FROM: Tara Parker, Human Resources Officer

RE: Report of Inquiry Regarding Allegations by Senator Mona Das

I. BACKGROUND AND OVERVIEW

On June 20, 2019, Senator Mona Das gave a speech at a Kent Chamber of Commerce legislative forum. On June 25, 2019, the Kent Reporter published an article under the headline, "Das claims racism, sexism during closed-door legislative meetings in Olympia."¹ The article included the following:

Mona Das told a Kent Chamber of Commerce audience that her first year in the state Senate in Olympia included closed-door meetings that were full of "racism, sexism and misogyny."

The Kent Democrat told the business luncheon group – during a legislative wrap-up forum on June 20 at the Center Point Conference Center – that she wanted to get real with it about working as a woman of color in the Legislature.

"It was hard to go to work everyday," said Das, who was born in India and immigrated to the United States with her family at just 8 months old. "The racism, and the sexism and the misogyny that we experienced is real. And it's not OK

¹ <https://www.kentreporter.com/news/das-claims-racism-sexism-during-closed-door-legislative-meetings-in-olympia/>.

anymore. And when you elect people of color at the table, don't tell us to be quiet. It's not OK."

[...]

"After they close that [caucus] door, that's when it gets real," Das said. "That's when my 28 colleagues got real. And that's when I heard hate, misogyny and racism and sexism from people you would not expect. That's the type of light I want to shine. Now, when there are eight people of color in the Senate Democratic caucus, it was coded language – 'those people.' They would say things that were coded."

[...]

"I am going to say it again," Das said. "The hate, sexism, racism and misogyny I experienced when that caucus room door closed would shock only the white folks in the room because the brown folks know it's there."

The Secretary of the Senate immediately requested an investigation into Sen. Das' allegations under the Senate's Policy on Appropriate Workplace Conduct. Specifically, as reported, Sen. Das accused unidentified members of the Democratic Caucus of using demeaning and derogatory language, which would be contrary to the Policy's prohibition against "Other Offensive Conduct."

Sen. Das subsequently wrote on her Facebook page that the newspaper mischaracterized her words. She added,

Like every institution, we have work to do on structural issues and implied bias in our work. I was not singling out the Senate for those issues or bias. I was merely stating that every institution faces those issues.

Compared to many other institutions, our caucus understands that these issues are there and I'm excited to work with all of you to continue to address these challenges.

The Kent Reporter then released a video of the Chamber of Commerce meeting, which showed that the newspaper did not misquote or mischaracterize Sen. Das' remarks. In response, Sen. Das told reporters that she regretted accusing the newspaper of mischaracterizing her and that she apologized to the reporter.

Referring to her colleagues in the Democratic Caucus, Sen. Das stated, “[n]o one has said anything overtly racist or sexist, but it’s what I hear underneath it all, the coded language.”² Sen. Das did not specify the language she found offensive, nor whom she was alleging had used such language. She stated that she did not wish to file a formal complaint.

Although Sen. Das made it clear that she was not alleging any violations of Senate policy, the Senate Administration and Senate leadership determined that an inquiry into the matter was warranted. This inquiry was then undertaken pursuant to the Human Resource Officer’s responsibility to provide consultation to Senators regarding diversity and inclusion, as well as applicable prohibitions against discrimination and harassment.

The purposes of this inquiry were to determine (1) if any members of the Democratic Caucus heard racist or sexist language in the caucus room; and (2) whether any Senators observed or knew of conduct that they deemed indicative of unconscious bias against historically marginalized individuals or communities.

Senate Majority Leader Andy Billig encouraged all members of the Democratic Caucus to speak with me regarding their relevant observations and experiences. Ultimately, 12 members did so, including seven of the eight members of color. I also spoke with two members of the Republican Caucus and three members of the House of Representatives. In sum, I spent approximately 30 hours in conversations with the participating legislators; all of whom were very generous and forthcoming with their views on these matters.

II. THE SENATE POLICY ON APPROPRIATE WORKPLACE CONDUCT

This investigation was initially undertaken pursuant to the Washington State Senate’s Policy on Appropriate Workplace Conduct. The Policy’s purpose and intent are as follows:

All employees, regardless of protected class status, have the right to work in an environment that is safe and respectful, free from unsolicited and unwelcome

² <https://www.seattletimes.com/seattle-news/politics/washington-senate-to-conduct-review-after-lawmaker-says-she-experienced-sexism-and-racism-in-olympia/>.

comments or conduct. The Washington State Senate has the responsibility to provide and maintain a respectful workplace environment free from discrimination, harassment, retaliation, bullying, and other offensive conduct.

Senators and employees are expected to conduct themselves so that such behavior does not occur in any action with respect to hiring, firing, compensation, benefits, promotions, reclassification, disciplinary actions, working relationships, or any other work conditions. This behavior undermines the integrity of the employment relationship and the self-esteem of the individuals to which it is directed; It negatively affects morale and work performance.

Any employee who knows of violations of this policy is strongly encouraged to report them. Any Senator or supervisor who knows of violations of this policy must take action under this policy to correct/stop such misconduct. Taking action may include intervening, investigating, or reporting to an appropriate supervisor, Senate Counsel, or the Secretary of the Senate.

The Senate will not tolerate conduct that violates its commitment to maintaining a respectful workplace, and such violations may result in disciplinary action.

The Policy first prohibits discrimination and harassment on the basis of protected status as proscribed by law.³ The Policy also prohibits “other offensive conduct,” which is defined as follows:

Other Offensive Conduct

No Senator or employee shall engage in any behavior that a reasonable person would find to be bullying, threatening, intimidating, coercive, demeaning or derogatory toward another, or which could be reasonably anticipated to have the effect of interfering with an individual's work performance.

III. SUMMARY OF INFORMATION AND FINDINGS

A. There is No Evidence of Senate Policy Violations

The first objective of this inquiry was to determine whether Sen. Das or any other member of the Senate heard racist or sexist language in the caucus room during the 2019 session. Sen. Das

³ The full Senate Policy on Appropriate Workplace Conduct may be found at <http://leg.wa.gov/Senate/Administration/Documents/AppropriateWorkplaceConductPolicyFINAL.pdf>.

retracted her June 20, 2019 claim that she heard her colleagues use racist and sexist language in the caucus room. However, if such claims were founded, such conduct would constitute violations of the Policy on Appropriate Workplace Conduct. It was therefore important to determine whether any member had observed such misconduct.

Sen. Das spoke at length with me about her statements to the Kent Chamber of Commerce. She regretted that the language she used conveyed something quite different from what she had in mind. Specifically, when she spoke of “hearing misogyny and racism and sexism from people you would not expect,” she did not mean to suggest that her fellow caucus members used overtly racist and sexist terms or expressions. Instead, she was referring to “a few” colleagues who were purportedly dismissive and disrespectful when members of color raised concerns that specific legislation could disproportionately impact communities of color. She declined to name the members she was referring to.

Some members agreed with Sen. Das that, when specific legislation was discussed, two or three members conveyed limited interest in discussing potential disparate impacts on communities of color. However, every member of the Democratic Caucus who was interviewed for this inquiry firmly denied ever hearing sexist or racist statements by their colleagues in caucus. Accordingly, all of the information gathered in this inquiry supports the conclusion that no member of the Senate Democratic Caucus made sexist or racist statements in the caucus room during the 2019 legislative session.

B. Observations Regarding Institutional Bias

The overarching purpose of the Senate Policy on Appropriate Workplace Conduct is to ensure that Senators and Senate employees are able to work in an environment that is free from discriminatory and offensive treatment. The Policy attends to this broad goal by providing a

method of redress for individuals who feel aggrieved by the conduct of specific Senators, Senate employees, or others who conduct business with the Senate.⁴

The Policy does not provide an avenue for redress of an individual's concerns about structural and cultural elements in the Senate that may perpetuate bias. Nonetheless, it is consistent with the Senate's goals of increasing diversity, inclusion and civility to examine how it may improve related practices and expectations.

Sen. Das stated that longstanding traditions in the Senate reflect an inherent bias toward seniority, and therefore perpetuate biases. She emphasized that it was common for senior members to tell new members that they should generally refrain from speaking in caucus. She said this was conveyed as intended to help the new members "listen and learn." Sen. Das explained that she felt like it created a culture where voices like hers, and the perspectives of the marginalized people who had not had legislative representation, were "silenced."

Other members of color expressed varying views regarding Sen. Das' assertion that unconscious or implicit bias was a significant problem in the Democratic Caucus. All of them agreed that the Senate, like all institutions, sometimes reflects attitudes and assumptions that undermine the interests and concerns of those who have been historically marginalized on the basis of sex, race and sexual orientation. And some members opined that it would benefit the caucus to increase committee debate time on bills where there were identifiable concerns about disparate impacts on marginalized groups.

Several senators, including members of color, also stated that they were very dismayed by Sen. Das' statements before the Kent Chamber of Commerce. First, they were upset because her assertion that members said sexist and racist things in the caucus room was untrue and disparaging. Second, they felt that her reference to caucus room debates was a breach of

⁴ The Senate Policy also applies to alleged misconduct involving individuals such as lobbyists, Executive branch personnel, members and staff of the House of Representatives, and others who work directly with the legislative community.

professional trust that may inhibit open and candid exchanges moving forward. They noted that her statements diminished the trust and respect that is necessary for the Caucus to engage in sensitive policy debates, including those regarding racial equity, diversity and inclusion.

A third theme that was raised by many members involved the Senate Democrats' demonstrable commitment to advancing diversity within the Caucus. They pointed out that the 2019 Senate Democratic Caucus was led by the most diverse leadership team in the history of the Washington State Legislature. It included Majority Deputy Leader Sen. Manka Dhingra (2017), Majority Deputy Leader Sen. Rebecca Saldaña (2016), Caucus Chair Sen. John McCoy (2013), and Vice Caucus Chair Sen. Bob Hasegawa (2013). The Caucus also made a concerted effort in the 2019 legislative session to assign Committee Chair and Vice Chair positions to members who had served for three years or less.⁵ Finally, they noted that the Caucus will include equity-related training in their retreat this fall, which was planned before Sen. Das made her comments to the Kent Chamber of Commerce.

⁵ Below is a list of 2019 Committee Chair and Vice Chair positions held by those who were elected to the Legislature in November 2016 – November 2018.

- Agriculture, Water, Natural Resources & Parks: Vice Chair, Sen. Jesse Salomon (2018)
- Behavioral Health Subcommittee to Health & Long Term Care: Chair, Sen. Manka Dhingra (2017)
- Early Learning & K12: Chair, Lisa Wellman (2016); Vice Chair, Sen. Claire Wilson (2018)
- Energy, Environment & Technology: Vice Chair, Sen. Guy Palumbo (2016)
- Health & Long Term Care: Vice Chair, Sen. Emily Randall (2018)
- Higher Education: Chair, Sen. Guy Palumbo (2016); Vice Chair, Sen. Emily Randall (2018)
- Housing Stability & Affordability: Vice Chair, Sen. Mona Das (2018)
- Human Services, Reentry, & Rehabilitation: Vice Chair, Sen. Joe Nguyen (2018)
- Law & Justice: Vice Chair, Sen. Manka Dhingra (2017) (also held this position in 2018)
- Local Government: Vice Chair, Sen. Jesse Salomon (2018)
- Transportation: Vice Chair, Sen. Rebecca Saldaña (2016) (also held this position during the 2018 session)

IV. CONCLUSIONS

First, based on the information gathered in this inquiry, there is no evidence that any member of the Senate Democratic Caucus made sexist or racist statements in the caucus room during the 2019 legislative session.

Second, there is broad agreement in the Democratic Caucus that institutional and unconscious bias are problems that need to be addressed in the Senate and in every institution. Although Senators have a wide range of views regarding the scope of the problems and available remedies, every Caucus member expressed a strong interest in enhancing their ability to work on these issues together in a respectful and constructive way.